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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

LAWRENCE M. MEADOWS,

Plaintiff,

v.

ALLIED PILOTS ASSOCIATION
and
AMERICAN AIRLINES, INC.,

Defendants.

**DEFENDANT ALLIED PILOTS
ASSOCIATION’S RESPONSE TO
PLAINTIFF’S MOTION FOR
CLARIFICATION**

Case No. 2:14-cv-00115-DS

Senior District Judge David Sam

Defendant Allied Pilots Association (“APA”) respectfully submits this Response to Plaintiff’s Motion Seeking Clarification of Order and Request For Leave to Amend Complaint and Request to Stay Proceedings Pending Decision on This Motion, ECF No. 36 (“Motion”).

Specifically, APA limits its response to that portion of Plaintiff's Motion seeking leave to amend his complaint yet again. Motion at 2 ¶ 6.¹ Although Plaintiff is correct that Fed. R. Civ. P. 15 allows for amendments to Complaints in certain circumstances, it will not do so if the proposed amendment would be futile. *Fields v. City of Tulsa*, 753 F.3d 1000, 1012-13 (10th Cir. 2014).

As Plaintiff's Motion makes clear, he is seeking to amend yet again so he will not be "deprived of his statutory right to have his grievances arbitrated before a System Board Of Adjustment." Motion at 2 ¶ 8. This Court, however, has already squarely "reject[ed] Plaintiff's allegation that he has a statutory right to arbitrate his grievances" and further ruled that any such right Plaintiff may have had was ceded to the APA by means of its Constitution and Bylaws. Order at 4.

Because this Court has already rejected the very core of what Plaintiff seeks to amend his Complaint to achieve, any amendment to the already amended Complaint would be futile. *Moore v. Reynolds*, 153 F.3d 1086, 1116 (10th Cir. 1998) ("Even if Moore had been allowed to amend his petition to add the claim, the amendment would have been futile because the claim sought to be added has already been rejected by this court").

¹ The Court has already granted Plaintiff's initial Motion to amend his Complaint. Order Granting Plaintiff's Motion to Amend and Defendants' Motions to Dismiss, ECF No. 35 at 10 ("Order").

CONCLUSION

For the reasons stated above, the Court should deny Plaintiff's effort to amend his already dismissed Complaint.

Dated: December 1, 2014

Respectfully submitted,

/s/ Steven K. Hoffman

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing DEFENDANT ALLIED PILOTS ASSOCIATION'S RESPONSE TO PLAINTIFF'S MOTION FOR CLARIFICATION with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following CM/ECF registered attorneys:

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In addition, I hereby certify that I served the following non-CM/ECF participant by email and United States First Class Mail, postage prepaid:

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DATED this 1st day of December, 2014.

/s/ Steven K. Hoffman

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